

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Quentin Franklin,

Case No. 5:17-cv-2002

Petitioner,

v.

ORDER

Dave Marquis, Warden,¹

Respondent.

Before me is the October 31, 2019 Report and Recommendation of Magistrate Judge Thomas M. Parker, (Doc. No. 15), recommending I deny *pro se* Petitioner Quentin Franklin's petition for a writ of habeas corpus under 28 U.S.C. § 2254 because Franklin's claims lack merit, are not cognizable in habeas proceedings, or have been procedurally defaulted.

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The fourteen-day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) ("[O]nly those

¹ Warden Marquis notes Franklin had been released from the Ohio Department of Rehabilitation and Correction and the proper defendant is the Ohio Adult Parole Authority.

specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following my review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation, (Doc. No. 15), in its entirety as the Order of the Court and dismiss Franklin's petition. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge